Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/607,541
Filing Date	June 27, 2003
First Named Inventor	William MARVIN
Art Unit	3728
Examiner Name	John T. Kavanaugh
Attorney Docket Number	2073.0080000/DKSC/RPG

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☒ Enclosed

      i. ☒ Amendment/Reply   iii. ☒ Information Disclosure Statement (IDS)

      ii. ☐ Affidavit(s)/ Declaration(s)   iv. ☐ Other _____

2. **Miscellaneous**

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0036 _____. I have enclosed a duplicate copy of this sheet.

      i. ☒ RCE fee required under 37 CFR 1.17(e)   08/10/2005 MAHMED1 00000078 10607541

      ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)   01 FC:1801   790.00 OP

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Signature	[signature]	Date 8/8/2005
Name (Print/Type) Rae Lynn P. Guest		Registration No. 53,482

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	
Name (Print/Type)	Date

425,117v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 6135
MARVIN *et al.*	Art Unit: 3728
Appl. No.: 10/607,541	Examiner: John T. Kavanaugh
Filed: June 27, 2003	Atty. Docket: 2073.0080000/DKSC/RPG
For: **Cushioning Sole for an Article of Footwear**	

Amendment and Reply Under 37 C.F.R. § 1.114

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In advance of continued prosecution after the filing of an RCE under 37 C.F.R. § 1.114 and in response to the outstanding office action dated April 8, 2005, Applicants submit the following amendments and remarks. This Amendment and Reply is provided in the following format:

(A) Each section begins on a separate sheet;

(B) Starting on a separate sheet, amendments to the specification by presenting replacement paragraphs marked up to show changes made;

(C) Starting on a separate sheet, a complete listing of all of the claims:

- in ascending order;

- with status identifiers; and

- with markings in the currently amended claims;

(D) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required

beyond those that may otherwise be provided for in documents accompanying this paper.

However, if additional extensions of time are necessary to prevent abandonment of this

application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a),

and any fees required therefore (including fees for net addition of claims) are hereby

authorized to be charged to our Deposit Account No. 19-0036.